

1 BARRY J. PORTMAN
Federal Public Defender
2 COLLEEN MARTIN
Assistant Federal Public Defender
3 555 - 12th Street
Suite 650
4 Oakland, CA 94607-3627
Telephone: (510) 637-3500
5
Counsel for Defendant MILLANES
6
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR 10-00525 SBA
)	
12 Plaintiff,)	STIPULATION AND ORDER
)	
13 vs.)	Date: December 2, 2010
)	Time: 9:30 a.m.
14 RODEL MILLANES,)	Courtroom: 4
)	
15 Defendant.)	
)	
16 _____		

17 The above-captioned matter is set on December 2, 2010 before the duty magistrate judge
18 for a change of plea. The parties jointly request that this Court continue the matter to December
19 15, 2010, at 10:00 a.m. before the duty magistrate judge for a status hearing. The parties further
20 request that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and
21 (B)(iv), between the date of this Stipulation and December 15, 2010.

22 Mr. Millanes is charged in a one-count indictment with a violation of 18 U.S.C. 1038(a)
23 – False Information and Hoaxes. He has not yet made his initial appearance before the district
24 court. The status of the matter is that the government has provided the defense with discovery,
25 and both the defense and the government are conducting investigation. In addition, the defense
26 is performing legal research on issues relating to the charged offense in order to effectively

1 prepare this case.

2 The requested continuance will allow the parties time to perform investigation and will
3 permit the defense time to complete the necessary legal research. The failure to grant such a
4 continuance would unreasonably deny counsel the reasonable time necessary for effective
5 preparation, taking into account the exercise of due diligence.

6 The parties further stipulate and agree that the time from the date of this Stipulation to
7 December 15, 2010, should be excluded in accordance with the provisions of the Speedy Trial
8 Act, 18 U.S.C. §§ 3161(h)(7)(A), on the basis that the ends of justice are served by taking such
9 action which outweigh the best interest of the public and the defendant in a speedy trial and also
10 under 18 U.S.C. § 3161(h)(7)(B)(iv) for effective preparation of counsel, taking into account the
11 exercise of due diligence.

12
13 DATED: November 30, 2010

_____/S/
TREVOR RUSIN
Special Assistant United States Attorney

14
15 DATED: November 30, 2010

_____/S/
COLLEEN MARTIN
Assistant Federal Public Defender

16
17
18 SIGNATURE ATTESTATION

19 I hereby attest that I have on file all holograph signatures for any signatures indicated by
20 a “conformed” signature (/S/) within this e-filed document.

ORDER

GOOD CAUSE APPEARING, and pursuant to the stipulation of the parties, IT IS
HEREBY ORDERED that the change of plea date in this case, currently scheduled for
December 2, 2010, before the duty magistrate judge is VACATED and RESET to December 15,
2010, at 10:00 a.m. for a status before the duty magistrate judge.

IT IS FURTHER ORDERED that the time from the date of this Order to December 15,
2010, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C.
§§ 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel. The Court finds that the ends
of justice served by the granting of the continuance outweigh the best interests of the public and
the defendant in a speedy and public trial and the failure to grant the requested continuance
would unreasonably deny counsel the reasonable time necessary for effective preparation, taking
into account due diligence, given the need for the parties to conduct investigation and the need
for the defense to conduct legal research.

SO ORDERED.

DATED: 12/1/2010



DONNA M. RYU
United States Magistrate Judge